

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HOWARD KATZ

Plaintiff Case No. 07-CV-8314  
vs.

JOE ROBERT MOGUS  
ALL THAT GLITTERS, INC.

-----X

**AFFIRMATION OF HOWARD KATZ IN OPPOSITION TO DEFENDANT**  
**MOGUS'S MOTION(S) TO DISMISS**

I, HOWARD KATZ, the Plaintiff herein, affirm under penalty of perjury, state that I have knowledge of the following and state the same is true except for those matters stated "upon information and belief" and as to those matters, I believe them to be true.

1. I filed this action for Defendant's breach of contract.
2. The case was transferred to this Court because the Honorable Judge Izarry ruled that proper Jurisdiction is in the Southern District.
3. The documents I have produced in this case are true and correct documents.
4. I have not altered, falsified or manipulated any of the documents.
5. The allegations of the Complaint are true and correct to the best of my knowledge, and I filed the Complaint in good faith.
6. I have expended a lot of money in opposing Defendant's numerous frivolous, baseless motions to dismiss the case.

WHEREFORE, It is respectfully requested that Defendant's Motion(s) to Dismiss should be denied in their entirety and that Plaintiff be awarded his reasonable attorneys fees and

costs in opposing these motions in the amount of \$1,800.00 plus sanctions as the Court may determine.

DATED: January 21, 2008

\_\_\_\_\_  
/s/  
HOWARD KATZ

Subscribed and sworn to before me January 21, 2008

\_\_\_\_\_  
/s/\_\_\_\_\_

Notary Public – State of New York